

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM ESCALERA, JR.,

Plaintiff,

-against-

SAMARITAN VILLAGE MEN'S
SHELTER, *et al.*,

Defendants.

17-CV-4691 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff is proceeding in this matter *pro se* and *in forma pauperis*. On September 27, 2019, the Court directed Plaintiff to file an amended complaint within sixty days to address deficiencies in his original pleading, and informed him that failure to comply would result in an order dismissing the action for failure to state a claim. On September 30, 2019, Plaintiff filed a motion requesting *pro bono* counsel. Because it is not clear that Plaintiff can state a viable claim, the Court denied that motion without prejudice on November 12, 2019.

Plaintiff has now written a letter to the Court objecting to the denial of his request for counsel. (ECF Doc. 27.) The Court construes the letter as seeking reconsideration of the denial of the motion for counsel. That application is denied. Plaintiff may, however, contact the NYLAG Legal Clinic for Pro Se Litigants in the Southern District of New York, which is a free legal clinic staffed by attorneys and paralegals that assists those who are representing themselves in civil lawsuits in the Southern District of New York. A copy of a flyer with details of the clinic is included in the information package.

The Court grants Plaintiff an extension of time to comply with the September 27, 2019 order to amend. Plaintiff is directed to submit an amended complaint to this Court's Pro Se Intake Unit within sixty days of the date of this order, caption the document as an "Amended

Complaint,” and label the document with docket No 17-CV-4691 (CM). No summons will issue at this time. If Plaintiff fails to comply within the time allowed, and he cannot show good cause to excuse such failure, the complaint will be dismissed for failure to state a claim upon which relief may be granted. No further extension of time will be granted.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: December 18, 2019
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge

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The NYLAG Legal Clinic for Pro Se Litigants in the Southern District of New York is a free legal clinic staffed by attorneys and paralegals to assist those who are representing themselves or planning to represent themselves in civil lawsuits in the Southern District of New York. The clinic, which is not part of or run by the court, assists litigants with federal civil cases including cases involving civil rights, employment discrimination, labor law, social security benefits, foreclosure and tax. The clinic cannot assist individuals while they are incarcerated, but can provide assistance to litigants once they are released from custody.

To make an appointment for a consultation, call (212) 659-6190 or come by either clinic during office hours. Please note that a government-issued photo ID is required to enter either building.

The clinic offers in-person appointments only. The clinic does not offer assistance over the phone or by email.



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**The Hon. Charles L. Brieant Jr.
Federal Building and Courthouse**
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White Plains, NY 10601
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